

Elizabeth Osoria

From: Brown, Nancy A <BrownN@SEC.GOV>
Sent: Monday, October 7, 2019 11:04 AM
To: MELISSA MACKIEWICZ; Kaufman, Jack; Randall Lee - Cooley; Johnstone, Chris; mberkovits@cooley.com; Adam Fee (afee@milbank.com)
Cc: DENNIS RICHARD
Subject: RE: SEC v. Honig - Deposition Availability / Unavailability

Melisssa,

Thank you for your response. We will go ahead and notice Mr. Brauser's deposition for January 23rd. As to the rest of your email, we have already provided what we undertook to provide -- an index to the production by producing party. We have no table of contents, and the entire production – which you requested – is searchable by numerous fields and key word. As you've explained, the difficulties you're having with it stem from your decision not to pay for document management software, even though you've advised that you've paid for it for Brauser's own documents. Happy to discuss further if you think it would be helpful.

From: MELISSA MACKIEWICZ <Melissa@richardandrichard.com>
Sent: Friday, October 4, 2019 9:26 AM
To: Brown, Nancy A <BrownN@SEC.GOV>; Kaufman, Jack <KaufmanJa@SEC.GOV>; Randall Lee - Cooley <randall.lee@cooley.com>; Johnstone, Chris <Chris.Johnstone@wilmerhale.com>; mberkovits@cooley.com; Adam Fee (afee@milbank.com) <afee@milbank.com>
Cc: DENNIS RICHARD <dennis@richardandrichard.com>; MELISSA MACKIEWICZ <Melissa@richardandrichard.com>
Subject: RE: SEC v. Honig - Deposition Availability / Unavailability

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Nancy:

Both Mr. Brauser and our office are available for his deposition in Miami, FL any day after January 22nd for the rest of the month. Given that our calendars fill quickly, please select the date now. This will also give us time to wade through the SEC's four million plus pages of production. As to that production there is still the unresolved issue of the SEC categorizing it to Mr. Brauser's document requests. We previously provided you Southern District of New York authority explaining why such categorization, by the SEC, was required. You replied by designating the SEC's entire production as a response to Mr. Brauser's request for the SEC's investigative file, disregarding the eleven specified categories of the investigative file, and disregarding Request for Production Nos. 2, 3, and 4.

Please reconsider and tell us which pages and/or documents are responsive to each of the document requests propounded by Mr. Brauser, including the eleven separate categories of Request for Production No. 1. Alternatively, please provide us a table of contents. If you will not do any of these, will you entertain a negotiated solution between us as to how you could break down the production? We need your cooperation on this in order to prepare Mr. Brauser's deposition.

Thank you. Melissa

Melissa L. Mackiewicz, Esq.
RICHARD AND RICHARD, P.A.